

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-70 were pending in the application.

Claim 1 is amended to address claim objections and also to more clearly claim the recruiting features of an embodiment of the invention. Claim 5, which depends from claim 1, is also amended to better describe how the screening portion of the recruiting is performed to identify potential workers matching the skills for a task that caused the recruitment step to be initiated. No new matter is added with support being found at least on page 14 lines 3-29 and page 15, lines 21-26.

After entry of the Amendment, claims 1-70 remain for consideration by the Examiner.

Objections to the Specification

In the Office Action, incorporation by reference in the first paragraphs of the application was objected to due to the lack of application serial numbers. A Preliminary Amendment was filed on August 6, 2004 that amended the specification to include the application serial numbers, which should address this objection.

Claim Rejections Under 35 U.S.C. §112

In the Office Action, claim 1 was rejected for the use of the term "substantially" as it was argued that this term makes the claim language indefinite. Claim 1 is amended to clarify the claim language.

Double Patenting

Also, in the Office Action, numerous claims were rejected on the ground of nonstatutory obviousness-type double patenting based on U.S. Pat. Nos. 6,859,523 and 6,938,048, but the Office Action indicated a timely filed terminal disclaimer may be used to overcome these rejections. In response, a terminal disclaimer regarding these two patents is provided with this Amendment.

Claim Rejections Under 35 U.S.C. §103

Further, in the Office Action, claims 1-70 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,134,530 ("Bunting") in view of U.S. Publ. No. 2002/0128892 ("Farenden"). This rejection is traversed based on the following remarks.

Briefly, Bunting is cited in the Office Action for teaching all the elements of the independent claims except for the recruiting and screening elements. Farenden is cited for overcoming these deficiencies of Bunting. Applicant disagrees that Farenden provides the necessary teaching to teach each of the recruiting and screening claim elements found in the claims.

Specifically, claim 1 calls for storing information including task skills for remote workers and then storing information on tasks to be completed. Tasks are dispatched. Then, the capacity of the system is managed based on information about the stored task, and such management includes "predicting future demand for the remote workers based on the stored tasks." When the predicted future demand is not going to be met by the remote workers, then recruiting of potential workers is performed. Farenden is cited for teaching the recruiting step in paragraphs [0010] and [0011], but Farenden provides no teaching of managing a system resources that includes predicting future demand for workers as called for in claim 1 and then recruiting when the predicted future demand cannot be met with present remote workers based on a comparison or analysis of the stored worker information.

Farenden is directed toward recruiting processes, and the cited paragraphs (e.g., the Summary) discuss the Farenden method of recruiting. However, there is no discussion of managing a plurality of remote workers including determining if they can meet a predicted future demand, and when not, initiating recruiting efforts. Instead, Farenden shows in Figure 3 a block labeled "Defining Hiring Objectives" (box 37), which is described in para. [0086] as simply defining objectives for hiring

for an upcoming year. There is no discussion of inspecting records of existing workers and comparing this to a predicted future demand. The demand in turn is determined based on stored tasks. Figure 1 includes a planning and preparation block (block 3), but this is not described in any detail (see, for example, para. [0079]). Hence, Farenden fails to teach the method of claim 1 as it fails to teach managing a system of remote workers including predicting a future demand and then recruiting when the demand is not met.

Claims 2-5 depend from claim 1 and are believed allowable over the combined teaching of Bunting and Farenden for the reasons provided for claim 1. Further, claim 5 calls for the recruiting to include administering a screening test to a potential worker that includes "evaluating skills of the responding potential worker to perform the types of task steps associated with the stored tasks associated with the recruiting messages." Farenden shows in Figure 60 an evaluation of a candidate that may be performed at one of its recruiting events. There is no discussion of evaluating the skill of a candidate to perform types of task steps associated with a particular stored task, which caused the recruiting to be initiated. Instead, the process of Figure 60 is described in paras. [0170]-[0174] as generally involving an interview and an exercise to evaluate "leadership behaviors" (which are further defined in para. [0172]). Hence, there is no skill testing to see if a candidate can perform task steps, and particularly, task steps associated with a stored task for which demand exceeds supply in a set of remote workers. The only other screening discussed in Farenden is a skills questionnaire, but this is described in the text as providing experience and qualifications and not particular skills associated with performing tasks (such as the task steps listed in claim 2). For these additional reasons, claim 5 is believed allowable over Bunting and Farenden.

Independent claim 6 is directed to a system with limitations similar to that of claim 1 written in apparatus/system form, and the reasons for allowing claim 1 over Bunting and Farenden are applicable to claim 6. Specifically, Applicant believes

that Farenden and Bunting fail to teach the capacity manager of claim 6 that acts to evaluate the capacity of the remote worker management system and that is coupled to a recruitment and screening unit, whereby "the recruiting is based on task load information on the tasks in the task data structure, on the available workers, and on the available workers." The Office Action cites Farenden at paras. 10, 11, and 143-160, but Applicant could find no teaching that Farenden's recruiting process operates as called for in claim 6. Paragraphs 10 and 11 only summarize the recruiting method and fail to teach the capacity manager and recruiting and screening unit called for in claim 6. Paragraphs 143-160 discuss "Candidate Invitation" and this process is generally based on analyzing a completed "skills questionnaire" compared to hiring objectives/openings of a company/customer. There is no discussion in these paragraphs of managing capacity based on task load information, available workers, and worker task skills. Further, there is no discussion that such a capacity manager would be tied to a recruiting and screening unit such that the recruiting would be performed based on the results generated by the capacity manager. Bunting fails to teach such use of a capacity manager and Farenden fails to overcome this deficiency as it at best describes recruiting to meet "yearly hiring objectives" and fails to teach looking at existing capacity, skills of existing workers, and recruiting to manage system capacity. For these reasons, claim 6 is believed allowable over the teaching of the two cited references.

Claims 7-9 depend from claim 6 and are believed allowable for reasons provided for claim 6.

Independent claim 10 is directed to a system with limitations similar to claim 6 and is believed allowable for the reasons provided for allowing claim 6. Claims 11 and 12 depend from claim 10 and are believed allowable at least for the reasons provided for allowing claim 10.

Independent claim 13 is directed to a method for managing workers. The arguments presented with regard to claim 1 are believed applicable also to claim

13. Specifically, claim 13 calls for recruiting workers "wherein the recruiting occurs automatically based on task load information about the stored tasks." The Office Action indicates Bunting fails to teach these claim elements, but it cites Farenden at paragraphs 122, 126, 164, 165, 177, 184, and 187 for teaching this limitation. However, these paragraphs seem to only be discussing how the Farenden recruiting techniques can be automated. There is no discussion that the recruiting of Farenden is performed "based on task load information about the stored tasks." Applicant requests that this rejection be withdrawn or a specific citation in Farenden be provided that shows these claim elements. It is believed that Farenden only shows planning hiring to meet objectives such as yearly objectives but not hiring based on task load information related to a number of stored tasks. Hence, claim 13 and claims 14-31, which depend from claim 13, are believed in condition for allowance.

Independent claims 32, 53, 58, and 64 are directed to a system and have limitations similar to claim 13 written in varying apparatus claim formats. Hence, claim 32 is believed allowable for the reasons provided for allowing claim 13 over Bunting and Farenden. Claims 33-52, 54-57, 59-63, and 65-70 depend from claim 32 and are believed allowable at least for the reasons provided for allowing claim 32.

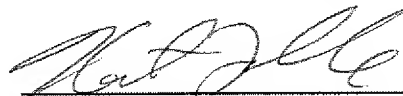
Conclusions

Issuance of a timely Notice of Allowance is requested in this case.

The fees associated with a Terminal Disclaimer, a one-month time extension, and any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

5/30/06

Respectfully submitted,



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